

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

1240 S. BANNOCK, LLC.,

Plaintiff,

Case No. 2:21-cv-183

v.

HONORABLE PAUL L. MALONEY

DENNIS SIEM, et al.,

Defendants.

/

ORDER DISMISSING MOTION TO DISMISS AS MOOT

On September 7, 2021, Defendants Coldwell Banker Real Estate Group and Dennis Siem filed a motion to dismiss the complaint pursuant to Fed. R. Civ. P. 12(b)(6). On September 28, 2021, Plaintiff filed an amended complaint as a matter of course pursuant to Fed. R. Civ. P. 15(a)(1) (ECF No. 16). When filed, an amended complaint supersedes the original complaint, which becomes a nullity. *See Drake v. City of Detroit*, 266 F.App'x 444, 448 (6th Cir. 2008); *Klyce v. Ramirez*, 852 F.2d 568, 1988 WL 74155, at * 3 (6th Cir. July 19, 1998) (per curiam) (unpublished table opinion) (collecting cases from other circuits). An amended complaint filed after a motion to dismiss has been filed renders the motion to dismiss moot. *See Bancoult v. McNamara*, 214 F.R.D. 5, 13 (D.D.C. 2003) ("Because the original complaint now is superseded by the amended complaint, the court denies without prejudice all pending motions pertaining to the original complaint."). Accordingly, the motion to dismiss the complaint (ECF No. 8) is DISMISSED AS MOOT.

Date: October 4, 2021

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge